

Message Text

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LOS COLLECTIVE
AMEMBASSY KATHMANDU
AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 05 GENEVA 06341

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: THE LOS CONFERENCE AT MID-POINT, APRIL 21

BEGIN SUMMARY: THE IMBROGLIO OVER THE PRESIDENCY NOW BEHIND IT, THE CONFERENCE AT LAST HAS SETTLED DOWN TO DEAL IN EARNEST WITH ITS PRESSING AGENDA. PRESIDENT AMERASINGHE'S POSITION AS LEADER OF THE CONFERENCE HAS BEEN SOLIDLY RE-AFFIRMED AS A RESULT OF A PROCEDURAL VOTE WHICH FOUND THE LATIN AMERICANS IN OPPOSITION TO THE ASIANS, AFRICANS AND ARABS, WHO TENACIOUSLY SUPPORTED HIM. THE LONG-TERM IMPLICATIONS FOR THE SESSION AND AMERASINGHE'S AUTHORITY ARE DIFFICULT TO ASSESS; HOWEVER THE CONFERENCE IS NOW IN FULL GEAR. SPECIAL NEGOTIATING GROUPS HAVE BEEN FORMED TO DEAL WITH THE REMAINING HARD CORE ISSUES. THE THREE COMMITTEE CHAIRMEN ALSO WILL HAVE AN IMPORTANT VOICE IN THE PREPARATION OF THE TEXT AND POSSIBLE AMENDMENTS, AND THIS FACT MAY BE CRUCIAL TO RETAINING OR CHANGING ARTICLES IN THE

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INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT) OF IMPORTANCE TO THE UNITED STATES. GIVEN THE TIME ALREADY LOST IN PROCEDURAL DEBATE AND THE STILL FORMIDABLE SUBSTANTIVE DIFFERENCES TO BE RESOLVED, THE CHANCES OF THIS SESSION ACHIEVING THE AMBITIOUS GOALS OF ITS ORIGINAL TIMETABLE ARE REMOTE. END SUMMARY.

1. THE PRESIDENTIAL CRISIS - HAMILTON SHIRLEY AMERASINGHE OF SRI LANKA HAS BEEN PRESIDENT OF THE LOS CONFERENCE SINCE ITS FIRST SESSION IN 1973. IN MARCH HE WAS REPLACED BY THE GOVERNMENT OF SRI LANKA (GSL) AS HEAD OF ITS UN MISSION AND CHIEF OF ITS LAW OF THE SEA DELEGATION. REPRESENTATIVES OF A NUMBER OF LATIN AMERICAN STATES, LED BY PERU, VENEZUELA, MEXICO, BRAZIL, NICARAGUA AND URUGUAY, ARGUED THAT SINCE AMERASINGHE WAS NO LONGER A NATIONAL DELEGATE TO THE CONFERENCE HE HAD CEASED TO BE PRESIDENT. UNDER THEIR INTERPRETATION OF THE CONFERENCE RULES OF PROCEDURE AND UN PRACTICE, ONLY A DELEGATE COULD BE PRESIDENT. THE ASIAN GROUP ACCORDINGLY SHOULD BE INVITED TO CHOOSE A SUCCESSOR.

ON THE FIRST DAY OF THIS SESSION THE LATINS QUICKLY AND FORMALLY MADE THEIR CHALLENGE, LOCKING THEMSELVES INTO A NO-RETREAT POSITION BASED ON "PRINCIPLE." WHY THEY DID SO IS STILL A MATTER OF SPECULATION. SOME LATINS UNDOUBTEDLY REALLY DID SEE THE ISSUE OF CONTINUATION OF AMERASINGHE WITHOUT DELEGATION AFFILIATION AS A QUESTION OF PRINCIPLE WITH TROUBLESOME PRECEDENT-SETTING IMPLICATIONS FOR THE UN SYSTEM. TACTICAL CONSIDERATIONS WERE PROBABLY ALSO INVOLVED. ANY SUCCESSOR TO AMERASINGHE ELECTED ON THE BASIS OF CONSENSUS MOST LIKELY WOULD, IN THEIR VIEW, BE A "WEAKER" PRESIDENT AND THEREFORE MORE PLIABLE. BY DEFAULT, THEN, THE LATIN LEVERAGE THROUGH "THEIR" CONFIDENTIAL

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REPRESENTATIVE (COMMITTEE II CHAIRMAN ANDRES AGUILAR, VENEZUELA) MIGHT INCREASE AT A TIME WHEN FINAL AGREEMENTS ON A CONVENTION WERE STRUCK. PERSONAL PIQUE MAY ALSO HAVE BEEN A FACTOR. RATTRAY OF JAMAICA, THEN CHAIRMAN OF THE LATIN GROUP, WAS REPORTEDLY ANGRY THAT AMERASINGHE HAD OBJECTED TO INSERTING KINGSTON IN THE ICNT AS THE PROJECTED SITE OF THE SEABED AUTHORITY; AGUILAR HAS NEVER BEEN WELL DISPOSED TO AMERASINGHE. FURTHER, THE LATIN COASTAL STATES HAVE MADE NO SECRET THAT THEY CONSIDER AMERASINGHE "SOFT" ON THE LL/GDS ISSUE.

ON THE OPPOSITE SIDE, THE ASIANS, AFRICANS AND ARABS ARGUED ELOQUENTLY THAT NOTHING IN THE RULES OF PROCEDURE PREVENTED AMERASINGHE FROM CONTINUING AS PRESIDENT. THEIR SUPPORT AND AMERASINGHE'S OWN UNSWERVING CONVICTION THAT HE NEVER CEASED TO BE PRESIDENT AND REFUSAL TO TAKE ADVICE THAT HE RESIGN WERE MUTUALLY REINFORCING AND PRODUCED AN EQUALLY FIRM RESOLVE IN THOSE REGIONAL GROUPS THAT IN THE END LED TO ABSOLUTE DEADLOCK. ALL DELEGATIONS HOPED TO AVOID A VOTE, BUT NONE IN THE FINAL ANALYSIS WAS PREPARED TO BUDGE.

THE U.S., AND THE EASTERN EUROPEAN AND WESTERN EUROPEAN
AND OTHER GROUPS MAINTAINED THAT AMERASINGHE LEGALLY
REMAINED PRESIDENT, BUT WANTED THE ISSUE TO BE SETTLED
THROUGH THE USUAL CONFERENCE PRACTICE OF REACHING
DECISIONS BY CONSENSUS, LEST THE VOTE BECOME A PRECEDENT
FOR TAKING FURTHER MAJOR CONFERENCE DECISIONS. THE
DEVELOPED COUNTRIES WERE CONCERNED THAT IF THE CONFERENCE
GOT ON THE SLIPPERY SLOPE OF VOTING TO RESOLVE DIFFERENCES,
THE G-77 COULD OVERWHELM THEM. BUT THE U.S ARGUED THAT
THE VOTE WHICH FINALLY TOOK PLACE WAS PROCEDURAL ONLY
AND HAD NO PRECEDENTIAL VALUE. THIS ARGUMENT HAS GAINED
SUPPORT. IT WAS CLEAR TOWARD THE END OF THE SECOND WEEK
THAT ALL EFFORTS TO REACH A CONSENSUS OR TO FIND A
COMPROMISE WERE DOOMED. A WIDELY PRAISED U.S. PROPOSAL
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(THAT AMERASINGHE REMAIN PRESIDENT FOR THIS SESSION ONLY

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AND BE REPLACED BY A SUCCESSOR CHOSEN BY THE ASIAN GROUP)
ALMOST BRIDGED THE DIFFERENCES; BUT IN THE END IT WAS

REJECTED BY THE EXTREME-LEGALISTS AMONG THE LATIN AMERICANS (VENEZUELA, PERU AND MEXICO) AND THE ISSUE COULD ONLY BE RESOLVED BY THE VOTE WHICH SOLIDLY CONFIRMED AMERASINGHE.

2. IMPLICATIONS OF THE PRESIDENTIAL CRISIS - PRECIOUS TIME HAS BEEN LOST IN RESOLVING THE QUESTION OF THE PRESIDENCY AND CAN ONLY BE RECOVERED BY HARD WORK AND GENUINE GOOD WILL. THE TALK IN THE CORRIDORS IS ABOUT THE NEED FOR ANOTHER MAJOR NEGOTIATING SESSION IN 1979. AN EQUALLY SERIOUS CONCERN IS THE EFFECT THE LATIN CHALLENGE TO AMERASINGHE WILL HAVE ON HIS PERSONAL AUTHORITY. WHILE THE LATINS ACKNOWLEDGE AMERASINGHE'S MAJOR CONTRIBUTIONS TO THE WORK OF THE CONFERENCE ALONG WITH HIS POLITICAL ACUMEN AND DIPLOMATIC SKILLS, THEY RESENTED THEIR DEFEAT IN THE VOTE AND WERE IRRITATED THAT

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THE PRESIDENT'S REFUSAL TO DO THE "RIGHT" THING AND STEP DOWN PLACED THEM AT ODDS WITH THE CONFERENCE. WHILE CONTINUING TO STATE THAT THE CONFERENCE VOTE DID NOT SOLVE THE ISSUES WHICH, IN THEIR VIEW, MADE AMERASINGHE AN "ILLEGAL" PRESIDENT, MOST OF THE LATINS HAVE PLEDGED COOPERATION; BOTH THEY AND AMERASINGHE HAVE MADE DEMONSTRATIVE GESTURES OF CONCILIATION. THE ACID TEST WILL COME AS THE CONFERENCE GETS DEEPER INTO SUBSTANTIVE WORK AND AS THE LEADERSHIP OF THE HARD CORE LATIN DISSIDENTS ON THE AMERASINGHE ISSUE, AGUILAR OF VENEZUELA, ARIAS-SCHREIBER OF PERU, AND CASTANEDA OF MEXICO, MAKE THEIR POSITIONS KNOWN. WHILE AGUILAR HAS EXPRESSED THE VIEW TO A U.S. DELEGATION OFFICER THAT "THE WORK OF THE CONFERENCE IS OVER FOR THIS SESSION," RECENT MEETINGS HAVE INDICATED A NEW ATTITUDE OF COOPERATION WITH THE U.S. IN COMMITTEE II.

3. EFFECT ON G-77 UNITY - THE CONCERTED LATIN ATTACK ON AMERASINGHE MET AN EQUALLY DETERMINED RESPONSE FROM THE ASIANS, AFRICANS AND ARABS. THESE LATTER GROUPS HAVE FREQUENTLY FELT THAT THEY HAVE BEEN DOMINATED BY THE LATINS AND TO MANY OF THEM THE LATIN STAND ON THE PRESIDENCY SEEMED TO BE ANOTHER INSTANCE OF THE LATIN AMERICANS' INSISTENCE ON THEIR OWN VERSION OF WHAT IS "RIGHT." THIS PROVED TO BE TOO MUCH FOR THE REST OF THE G-77 TO SWALLOW. "DIVISIONS IN THE G-77 MAY NOT, HOWEVER, PRESENT MUCH OF AN OPPORTUNITY TO ADVANCE SUBSTANTIVE U.S. INTERESTS. IN THE FIRST PLACE, THE ISSUE OF THE PRESIDENCY WAS A UNIQUE SITUATION. ACTIVE FENCE-MENDING IS ALREADY UNDERWAY AMONG THE G-77. AS SUBSTANTIVE NEGOTIATIONS INTENSIFY, THE DEVELOPING COUNTRIES MAY BE EXPECTED TO LOOK FOR WAYS TO DEMONSTRATE THEIR "SOLIDARITY." ONE CLEAR WAY TO DO

THIS WOULD BE TO TAKE A TOUGH LINE TOWARD A COMMON
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"OPPONENT": THE DEVELOPED STATES. ON THE OTHER HAND,
SKILLED CONFERENCE MODERATES (SUCH AS NJENGA OF KENYA AND
KOH OF SINGAPORE) NOW HEAD THE CRUCIAL NEGOTIATING GROUPS
WHERE THEIR POSITIVE INFLUENCE AND DIRECTION CAN BE PARTI-
CULARLY EFFECTIVE. FURTHER, A NUMBER OF THE RADICALS WHO
HAVE BEEN ACTIVE IN THE G-77 E.G., ALOUANE OF ALGERIA, HAVE
LEFT THEIR DELEGATIONS AND A MODERATE TONE HAS GENERALLY
BEEN SET IN THE G-77.

THERE REMAIN IMPORTANT DIFFERENCES BETWEEN THE 53 LAND-
LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS)
AND THE COASTAL STATES. THE PROBLEM OF LL/GDS ACCESS TO
THE LIVING RESOURCES OF THE PROPOSED 200-MILE ECONOMIC
ZONE HAS NOT YET MADE MUCH VISIBLE MOVEMENT TOWARD RESOLU-
TION, BUT IT IS WIDELY RECOGNIZED THAT IT CAN BE RESOLVED
WHenever OTHER KEY ISSUES SEEM READY TO FALL INTO PLACE.
THE U.S. CAN BE NO MORE THAN A BENIGN NEUTRAL IN THE LL/GDS
COASTAL STATE QUESTION. COMPROMISE IS CLEARLY IMPORTANT TO
THE SUCCESS OF THE CONFERENCE, BUT IT CAN ONLY BE NEGO-
TIATED BY THE PARTIES THEMSELVES.

4. ORGANIZATION OF WORK OF THE SEVENTH SESSION - ALTHOUGH
THE LATINS WERE NOT SUCCESSFUL IN UNSEATING AMERASINGHE,
THEY DID LIMIT HIS ABILITY TO PLAY THE LEADING PART IN THE
REVISION OF THE ICNT. THE CONFERENCE HAS AGREED THAT CHAN-
GES TO THE ICNT WILL BE THE RESULT OF A "COLLEGIAL" EFFORT
CENTERED AROUND THE PRESIDENT AND THE THREE COMMITTEE
CHAIRMEN ACTING AS A TEAM. THIS IS NOT, HOWEVER, THE
COLLEGIAL SYSTEM AS APPLIED IN THE SIXTH SESSION. THE
RELATIVE POWERS OF THE INDIVIDUALS WITHIN THIS NEW SYSTEM
HAVE BEEN CAREFULLY LEFT VAGUE, WITH THE PRESIDENT AS
LEADER. IN ADDITION, THERE ARE NOW SPECIAL NEGOTIATING
GROUPS AND THE WORK PRODUCT IS TO BE PASSED THROUGH THE
PLENARY. THE COLLEGIAL SYSTEM IS PERHAPS THE BEST THAT
COULD BE EXPECTED UNDER THE CIRCUMSTANCES, AND WOULD HAVE
BEEN APPLIED IN ANY CASE, IF A NEW "UNTRIED" PRESIDENT
HAD REPLACED AMERASINGHE. IT MAY OFFER SOME SAFEGUARDS
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AGAINST THE KINDS OF UNILATERAL CHANGES (LIKE THOSE MADE
BY THE FIRST COMMITTEE CHAIRMAN LAST YEAR) THAT COULD MAKE
THE TEXT EVEN MORE OBJECTIONABLE TO THE U.S. ON THE OTHER
HAND, GETTING CHANGES MADE TO IMPROVE THE PRESENT TEXT MAY
ALSO BE VERY DIFFICULT.

THE CONFERENCE HAS DECIDED TO CONCENTRATE ITS EFFORTS ON
SEVEN HARD-CORE ISSUES AND TO FORM NEGOTIATING GROUPS TO
DEAL WITH THEM. THESE ARE:

- (1) SYSTEM OF EXPLORATION AND EXPLOITATION OF THE DEEP
SEABED (NG-1, NJENGA OF KENYA);
 - (2) FINANCIAL ARRANGEMENTS (NG-2, KOH OF SINGAPORE);
 - (3) ORGANS OF THE SEABED AUTHORITY (NG-3, ENGO);
 - (4) LL/GDS PROBLEM (NG-4, NANDAN OF FIJI);
 - (5) SETTLEMENT OF DISPUTES RELATING TO THE EXERCISE OF
SOVEREIGN RIGHTS OF COASTAL STATES IN THE EEZ (NG-5,
STAVROPOULOS OF GREECE);
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- (6) DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL
SHELF AND REVENUE SHARING (NG-6, AGUILAR, COMM. I CHAIRMAN,
TEMPORARILY); AND - ACENT
- (7) DELIMITATION OF MARITIME BOUNDARIES BETWEEN ADJACENT

AND OPPOSITE STATES AND SETTLEMENT OF DISPUTES THEREON
(NG-7, MANNER OF FINLAND).

AT THE SUGGESTION OF THE UNITED STATES THE CONFERENCE
AGREED THAT THE THIRD COMMITTEE SHOULD BE CONVENED TO DEAL
WITH POLLUTION AND SCIENTIFIC RESEARCH ISSUES REQUIRING
FURTHER NEGOTIATIONS.

NEGOTIATING GROUPS TO DEAL WITH ITEMS 1, 4, 5 AND 7 ABOVE
WERE MANDATED BY THE PLENARY. THE REMAINING HARD-CORE
PROBLEMS ARE BEING DEALT WITH IN THE COMPETENT COMMITTEE
BY THE CREATION OF NEGOTIATING GROUPS. THE CHAIRMEN OF THE
NEGOTIATING GROUPS MANDATED BY THE PLENARY WILL REPORT TO
BOTH THE COMPETENT COMMITTEE CHAIRMAN AND THE PRESIDENT
OF THE CONFERENCE. THE COMMITTEE CHAIRMAN CONCERNED THERE-
FORE RETAINS A CONSIDERABLE DEGREE OF INFLUENCE OVER THE
PRODUCTION OF NEW TEXTS.

ALL OF THESE NEGOTIATING GROUPS HAVE AN "OPEN-ENDED"
MEMBERSHIP, AND IT IS UNLIKELY THAT FEWER DELEGATES WILL
ATTEND THESE MEETINGS THAN THOSE OF THE FULL COMMITTEE.
THE BULK OF THE CONFERENCE WORK WILL PROBABLY TAKE PLACE
IN THESE NEGOTIATING GROUPS AND SUCH SMALLER INNER GROUPS
AS MAY DEVELOP. (ONE SUCH INNER GROUP HAS ALREADY BEEN
FORMED INSIDE THE NJENGA GROUP DEALING WITH THE SYSTEM OF
EXPLORATION.) IT SHOULD BE NOTED, HOWEVER, THAT ANY AGREE-
MENTS REACHED IN THE SMALLER GROUPS WILL HAVE TO PASS
THROUGH THE RELEVANT MAIN COMMITTEE AND ITS CHAIRMAN AND
THEN BE DISCUSSED IN THE PLENARY BEFORE BEING INCORPORATED
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IN THE TEXT. THE FORMATION OF THE SPECIALIZED NEGOTIATING
GROUPS MAY SAVE TIME BUT IT WILL ALSO BRING THE ACUTE
DIFFERENCES TO THE FLOOR VERY QUICKLY. THE COMMITTEE
CHAIRMEN RETAIN A SIGNIFICANT ROLE THROUGH THE COLLEGIAL
SYSTEM WITH RESPECT TO THE RESULTS OF THESE GROUPS AND
THIS CLEARLY SUGGESTS THAT WE MUST CONTINUE TO WORK CLOSELY
WITH THE THREE CHAIRMEN. THE INITIAL CONFERENCE TIMETABLE
POSITED: 1) ALL COMMITTEES AND NEGOTIATING GROUPS COMPLETED
BY APRIL 25; 2) PLENARY MEETINGS THROUGH MAY 5; 3) REVISION
OF THE ICNT, MAY 8-12; AND 4) A REVISED ICNT, MAY 15-19.
IT IS PROBABLE THAT THIS TIMETABLE WILL SLIP.

--COMMITTEE I - WHILE ENGO HAS ACQUIESCED IN THE FORMATION
OF THE NJENGA AND KOHN NEGOTIATING GROUPS, IT IS CLEAR HE
WANTS TO RETAIN A PROMINENT ROLE. NEVERTHELESS, SHOULD A
CONSENSUS ON VARIOUS ISSUES DEVELOP IN THE OPEN NEGOTIATING
GROUP, ITS MOMENTUM PROBABLY SHOULD BE ENOUGH TO CARRY THE
CHANGES THROUGH THE PLENARY AND INTO THE REVISED TEXT.
--IN COMMITTEE II, AGUIAR WILL KEEP A SHARP EYE AND A
STRONG HAND ON ANYTHING THAT GOES ON. ALTHOUGH HE MAY

RESENT THE DEVELOPED COUNTRIES' SUPPORT OF AMERASINGHE,
THIS ATTITUDE HAS NOT SO FAR BEEN REFLECTED IN HIS TREAT-
MENT OF SECOND COMMITTEE ISSUES OF CONCERN TO THE U.S.
HIS INDIFFERENCE TOWARD PRESERVING IMPORTANT PROVISIONS
COULD BE AS DAMAGING AS ACTIVE OPPOSITION. ON THE OTHER
HAND, HE IS INTERESTED IN SHOWING HIS EFFECTIVE LEADER-
SHIP AND MAY DECIDE TO PROVE IT THROUGH COMPLETING THE
WORK OF COMMITTEE II AHEAD OF THE OTHER COMMITTEES. HIS
PROCEDURAL RULINGS THUS FAR DO NOT INDICATE A PROCLIVITY
TOWARD CHANGING TEXTS. THE LL/GDS ISSUE IS THE MAIN
STUMBLING BLOCK WHICH MAY BE DIFFICULT TO REMOVE.
THE PROCEDURAL BATTLE OVER WHETHER OTHER ISSUES THAN
THOSE DESIGNED AS "HARD CORE" HAS NOW BEEN COMPLETED.
SEVERAL WERE SUGGESTED AS BEING IMPORTANT ENOUGH TO
ESTABLISH NEGOTIATING GROUPS. THE MOST FREQUENTLY MEN-
TIONED WERE THOSE INVOLVING ISLANDS AND ENCLOSED AND SEMI-
ENCLOSED SEAS. THE LATTER ISSUE RECEIVE STRONG SOVIET
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SUPPORT. THE MOST IMPORTANT, FROM THE U.S. STANDPOINT, WAS STRAITS. SPAIN ALSO PRESSED FOR A NEGOTIATING GROUP, ALTHOUGH THE INITIAL REQUEST WAS BY EGYPT, BUT SUPPORT FOR THEIR PROPOSAL WAS MINIMAL. AGUILAR ESTABLISHED A PROCEDURE FOR SETTING UP SUCH NEGOTIATING GROUPS THAT MAKES IT EXTREMELY DIFFICULT FOR THE WORK-PRODUCT TO FIND ITS WAY INTO THE TEXT. AT THE SAME TIME, PROCEDURES WERE ESTABLISHED, WITH U.S. HELP, FOR ALL DELEGATIONS TO HAVE THE OPPORTUNITY TO AIR THEIR VIEWS ON MATTERS OF INTEREST TO THEM IN ONE OR TWO INFORMAL SESSIONS OF COMMITTEE II.

NEGOTIATING GROUP 6, ON THE OUTER LIMIT OF THE CONTINENTAL MARGIN AND REVENUE SHARING, HAS BEEN ESTABLISHED AND THE REPORT OF THE SECRETARIAT ON VARIOUS MARGIN LIMITS, AND THE MAP SHOWING THEM, HAS BEEN FORMALLY SUBMITTED TO COMMITTEE II. LITTLE TIME HAS YET BEEN AVAILABLE TO EXPLORE THIS SUBJECT.

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COMMITTEE III - CHAIRMAN YANKOV (BULGARIA) HAS IN THE PAST REFERRED TO HIS COMMITTEE'S WORK AS BEING "WRAPPED UP." HIS COOPERATION IS ESSENTIAL TO GETTING THE ENVIRONMENTAL PROVISIONS CLARIFIED AND IMPROVED AND FOR LOOSENING UP OVERLY RESTRICTIVE MARINE SCIENTIFIC RESEARCH ARTICLES. YANKOV HAS, IN THE PAST, SHOWN HIMSELF PARTICULARLY RESPONSIVE TO SOVIET CONCERNS, THEREFORE, WORKING WITH THE SOVIETS WILL BE PARTICULARLY IMPORTANT IN COMMITTEE III. WHILE FRANCE HAS RECENTLY BEEN "AMOCO-CADIZ-ED" INTO THE ENVIRONMENTALIST CAMP, A NUMBER OF OTHER IMPORTANT DEVELOPED COUNTRY DELEGATIONS ALSO MUST BE BROUGHT ALONG. ALTHOUGH COMMITTEE III WILL DEFINITELY BE AN UPHILL BATTLE, YANKOV HAS ENCOURAGED VALLARTA (MEXICO) TO CHAIR MEETINGS ON ENVIRONMENTAL ISSUES AND THERE APPEARS TO BE A WILLINGNESS AT LEAST TO EXAMINE AMOCO CADIZ-RELATED ISSUES. AMBASSADOR RICHARDSON STRESSED IN HIS SPEECH TO THE COMMITTEE II MEETING THE IMPORTANCE THE U.S. ATTACHES TO IMPROVEMENTS OF THE POLLUTION AND SCIENCE TEXTS.

5. COMPULSORY DISPUTE SETTLEMENT - WITH RESPECT TO COMPULSORY DISPUTE SETTLEMENT, DISCUSSIONS HAVE BEEN FOCUSED ON ARTICLE 296, CONCERNING LIMITATIONS ON THIRD-PARTY JURISDICTION IN THE ECONOMIC ZONE AND ON 297(1)(A) CONCERNING AN OPTIONAL EXCEPTION FROM JURISDICTION FOR DISPUTES OVER BILATERAL DELIMITATION OF CONTINENTAL SHELF AND ECONOMIC ZONE. NEGOTIATING GROUP 5 (NG-5) IS CONSIDERING ARTICLE 296, AND HERE THE LATIN AMERICANS ARE LIKELY TO PRESS FOR THE REPLACEMENT OF THE PRESENT 296(4) WITH THE CASTANEDA GROUP TEXT FROM THE LAST SESSION. THE LATTER PROVIDES THAT NO ECONOMIC ZONE

FISHERIES DISPUTES ARE SUBJECT TO JURISDICTION EXCEPT FOR CASES OF OVEREXPLOITATION, WHICH ARE SUBJECT TO COMPULSORY CONCILIATION. ON THE OTHER SIDE, THE LL/GDS WANT TO
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STRENGTHEN ARTICLE 296 GENERALLY, TO PROVIDE GREATER REVIEW OF COASTAL STATE FISHERIES ALLOCATION AND REGULATION. NEGOTIATING GROUP 7 (NG-7) IS CONSIDERING THE DELIMITATION PROBLEM. HERE THE SOVIET UNION WILL PUSH TO EXCLUDE ALL OR MOST DELIMITATION DISPUTES FROM BINDING SETTLEMENT, ALTHOUGH THEY HAVE INDICATED A WILLINGNESS TO CONSIDER A GRANDFATHER CLAUSE PROVIDING THAT ONLY DISPUTES ARISING BEFORE A CERTAIN DATE BE EXEMPT FROM JURISDICTION. VARIOUS PAIRS OF STATES - TURKEY AND GREECE, LIBYA AND MALTA, COLOMBIA AND VENEZUELA AMONG OTHERS - WILL ARGUE FOR OPPOSITE CHANGES IN THE TEXT OF 297(1)(A). ON BOTH DISPUTE SETTLEMENT ISSUES, SEVERAL POSSIBLE COMPROMISES ARE BEING DISCUSSED PRIVATELY. IT IS IMPOSSIBLE AT PRESENT TO PREDICT WHICH POSITION WILL PREVAIL IN EITHER ISSUE.

6. COMMENT: WITH THE PRESIDENTIAL ISSUE OUT OF THE WAY, THE PRESSURE IS ON TO SEE WHAT CAN BE PRODUCED AT THIS SESSION. THE CONFERENCE RETAINS THE POTENTIAL TO MOVE QUICKLY THROUGH A DISCUSSION OF THE OUTSTANDING ISSUES AND TO REPAIR THE MAJOR PROBLEMS WITH THE ICNT. WHILE THE FORMAL COMMITTEE STRUCTURE STILL EXISTS AND THE CHAIRMEN STILL HAVE AN IMPORTANT ROLE, MOST OF THE REAL NEGOTIATING ACTION HAS MOVED TO THE SPECIAL NEGOTIATING GROUPS AND THEIR INFORMAL SMALLER SUB-GROUPS. INFLUENTIAL MODERATE G-77 REPRESENTATIVES, SUCH AS KOH AND NJENGA, HAVE BEEN HOLDING USEFUL MEETINGS ON THE CONTENTIOUS FIRST COMMITTEE ISSUES. SECOND COMMITTEE, THIRD COMMITTEE AND COMPULSORY DISPUTE SETTLEMENT QUESTIONS ARE ALSO BEING REVIEWED IN THE RELATED NEGOTIATING GROUPS. ALTHOUGH THE NEGOTIATING GROUPS ARE OFF TO A SLOW START, THEIR POTENTIAL AS A CATALYTIC FORUM FOR "A GREAT LEAP FORWARD" REMAINS. THE ATMOSPHERE IS IMPROVING QUICKLY AND THIS MOMENTUM COULD QUICKEN AT ANY TIME. THE CONFERENCE VISTA AT THE HALFWAY MARK IS NOT CLEAR ENOUGH TO FORESEE THE ROAD THROUGH THE FINAL WEEKS OF THIS SESSION OR TO KNOW YET WHETHER THE TIME IS RIGHT FOR THE
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CEQ-01 CG-00 COME-00 DOTE-00 EB-08 EPA-01 SOE-02
DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05 JUSE-00
L-03 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02
SS-15 OIC-02 /174 W

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FM USMISSION GENEVA

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AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 05 OF 05 GENEVA 06341

FORMALIZATION OF THE ICNT. IT IS EVIDENT, HOWEVER, THAT ANY FINAL AGREEMENTS MUST BE WITHIN A TIGHTLY CONNECTED FRAMEWORK WITH BOTH ACCEPTABLE PRINCIPLES AND RELATED DETAILS WORKED OUT TO OUR SATISFACTION. THE OUTLINE FOR A WIDELY ACCEPTABLE TREATY IS CLEAR TO MOST, BUT SOME DELEGATES HAVE BEEN HAGGLING FOR SO LONG THAT THEY SEEM RELUCTANT TO ADMIT THAT AN ACCEPTABLE PACKAGE DEAL CAN NOW REALLY BE ACHIEVED. THIS ATTITUDE MAKES IT ALMOST CERTAIN THAT A DRAFT TREATY COULD NOT BE ACHIEVED BY THE END OF THIS SESSION. IT WILL BE IMPORTANT, THEN, TO CONCENTRATE ON GETTING AS MANY OF THE CHANGES WE REQUIRE TO THE ICNT INCORPORATED INTO ANY REVISIONS OF THE TEXTS WHICH DO TRICKLE OUT OF THE DISCUSSIONS. THERE HAVE BEEN SOME HOPEFUL SIGNS IN THIS REGARD BUT WITHIN A CONFERENCE OF OVER 150 DIVERSE NATIONS AND GROUPS, THE LIKELIHOOD OF A QUICK CONSENSUS ON ANY ISSUE OR GROUPS OF ISSUES DEPENDS LARGELY ON THE DEGREE TO WHICH DELEGATIONS ARE CONVINCED THAT THIS SESSION MUST DEMONSTRATE MAJOR

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PROGRESS. AS TO THAT, THE SITUATION REMAINS PROBLEMATICAL.
RICHARDSON

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS, MEETING PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA06341
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780179-0064
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780416/aaaaancp.tel
Line Count: 602
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ffc92fa7-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 11
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2846627
Secure: OPEN
Status: NATIVE
Subject: THE LOS CONFERENCE AT MID-POINT, APRIL 21 BEGIN SUMMARY: THE IMBROGLIO OVER THE PRESIDENCY NOW BEHIND IT, THE CONFERENCE AT LAST HAS SETTLED DOWN TO DEA
TAGS: PLOS
To: STATE LOS ANGELES
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/ffc92fa7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014